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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,085	09/06/2005	Tadayuki Kameyama	053038	7643

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
CHEN, WEN YING PATTY	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/548,085	KAMEYAMA ET AL.	
	Examiner	Art Unit	
	WEN-YING PATTY CHEN	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-13* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/06/05,3/22/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 2003/0210370).

With respect to claim 1: Yano discloses in Figure 1 a high-brightness polarizing plate, comprising: a polarizing plate that comprises a polarizer (element 1a) and a protective film (element 1b) prepared on one or both sides of the polarizer; a brightness enhancement film; and an adhesive layer through which the polarizing plate and the brightness enhancement film are laminated with the protective film interposed between them (Paragraph 0064), wherein

the protective film has an in-plane retardation Re of less than 20nm and a thickness-direction retardation Rth of less than 20nm. Therefore, result in overlapping of ranges with the claimed ranges of Re between 0 to 10nm and Rth between -30 to 10nm and renders the claim limitations obvious; *see MPEP 2144.05[R-3]*

As to claim 4: Yano further discloses in Paragraph 0041 that the polarizer is an iodine-containing polyvinyl alcohol-based film.

As to claim 5: Yano further discloses in Paragraphs 0066-0067 that the brightness enhancement film is an anisotropic reflection polarizer.

As to claim 6: Yano further discloses in Paragraph 0067 that the anisotropic reflection polarizer is a composite of a cholesteric liquid crystal layer and a quarter wavelength plate.

As to claim 7: Yano further discloses in Paragraph 0066 that the anisotropic reflection polarizer is an anisotropic multilayered thin film capable of transmitting linearly polarized light in one direction of vibration and reflecting linearly polarized light in another direction of vibration.

As to claim 10: Yano further discloses in Figure 1 that the high-brightness polarizing plate further comprises at least one optical film (element 2).

As to claims 11-13: Yano further discloses in Figure 2 an image viewing liquid crystal display comprising of the high-brightness polarizing plate (element 1) attached to at least one side of the liquid crystal cell (element 4).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 2003/0210370) in view of Kawabata (JP 2001-343529).

Yano discloses all of the limitations set forth in claim 1, but does not specifically disclose that the protective film contains a thermoplastic resin having a substituted and/or unsubstituted imide group in side chain and a thermoplastic resin having a substituted and/or unsubstituted phenyl and nitrile groups in side chain.

However, Kawabata teaches in Abstract of forming protective films of a polarizer with a thermoplastic resin having a substituted and/or unsubstituted imide group in side chain and a thermoplastic resin having a substituted and/or unsubstituted phenyl and nitrile groups in side chain.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a polarizing plate as taught by Yano wherein the protective film contains a thermoplastic resin as taught by Kawabata, since Kawabata teaches that by forming protective films for polarizers of such resin have a low moisture vapor permeation rate suitable for protecting the polarizer (Abstract).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 2003/0210370) in view of Admitted Prior Art (Admission).

Yano discloses all of the limitations set forth in the previous claims, but does not specifically disclose that the anisotropic reflection polarizer is a reflective grid polarizer or that the brightness enhancement film is an anisotropic scattering polarizer.

However, Admission discloses in Page 25 line 28 through Page 26 line 5 that it is known in the art the use of a reflective grid polarizer as anisotropic reflection polarizer and in Page 26 lines 6-9 that anisotropic scattering polarizers can be used as brightness enhancement film.

Therefore, it would have been obvious to one of ordinary skill in the art to construct a polarizing plate as taught by Yano and employ the brightness enhancement films as admitted since Admission discloses that such films are known in the art.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Yano discloses all of the limitations set forth in claim 1, but lacks to disclose that the protective film having the specific Re and Rth values is a biaxially stretched film.

Hashimoto (US 6657690) discloses the use of a biaxially stretched film as a polarizer protective film, however, Hashimoto does not disclose that the protective film having the specified Re and Rth values.

Hence, none of the prior arts either alone or in combination fairly teach or suggest a protective film of the claimed Re and Rth values is also a biaxially stretched film.

Therefore, claim 3 is deemed non-obvious and inventive over the prior arts and is allowable.

Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perkins et al. (US 6288840) discloses a reflective grid polarizer;

Ouderkirk et al. (US 5825543) discloses an anisotropic scattering polarizer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN-YING PATTY CHEN whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WEN-YING PATTY CHEN
Examiner
Art Unit 2871

/wpc/
8/03/08

/David Nelms/

Supervisory Patent Examiner, Art Unit 2871